

रजिस्टर्ड नं० पी० ४६।.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, २४ जनवरी, १९७३/४ माघ, १८९४

GOVERNMENT OF HIMACHAL PRADESH

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-2, the 27th December, 1972

No. 9-97/70-PWD.—In exercise of the powers conferred on him under section 32 of the Himachal Pradesh Aerial Ropways Act, 1968 (Act No. 7 of 1969), the Governor, Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh Aerial Ropeways Rules, 1972, the same having been previously published in the Himachal Pradesh Rajpatra (Extraordinary Issue), dated the 22nd July, 1971.

RULES

THE HIMACHAL PRADESH AERIAL ROPEWAYS RULES, 1972

Short title
and Com-
mencement.

1. (1) These rules may be called the Himachal Pradesh Aerial Ropeways Rules, 1972.
- (2) These shall come into force at once.

2. Unless the context otherwise requires,—

- (1) "Act" means the Himachal Pradesh Aerial Ropeways Act, 1969, (Act No. 7 of 1969).
- (2) The terms and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act.

Applica-
tion.

3. (1) The application for permission to undertake the necessary preliminary investigations shall have to be made by the promoter to the Inspector of Aerial Ropeways in whose jurisdiction the area falls in the form as prescribed vide Annexure I to these rules, which should include all the particulars as detailed in section 4 of the Act.

(2) Such applications, on receipt by the Inspector, shall be scrutinized by him and if found in order, forwarded to the Government through proper channel with his recommendations for allowing permission for surveys under section 5 of the Act.

(3) Before according sanction to a promoter and while publishing the draft order in the Official Gazette, the State Government will endorse a copy of the notice to be published to the Director General of Civil Aviation and obtain "No objection certificate" from him in accordance with the Ministry of Tourism and Civil Aviation, Government of India's letter No. 10-A/8-69, dated the 21st January, 1969, to the Ministry of Home Affairs, New Delhi.

(4) After issue of the sanction by the State Government under section 6 of the Act, the draft of the proposed order authorising the construction of an aerial ropeway shall be prepared in the form as per Annexure II with suitable modifications as may be required in each case.

Appoint-
ment of
Inspectors.

4. The State Government shall appoint Inspectors of Aerial Ropeways under section II of the Act.

Duties and
powers of
the Inspec-
tors.

5. The duties and powers of the Inspectors of Aerial Ropeways shall be as under:—

- (1) To examine the application of an intending promoter for permission to undertake the preliminary investigation after spot inspection.
- (2) To cause public notices under section 6 (3) of the Act.
- (3) To examine objections received to public notices and to make his comments thereon to the Government through proper channel;
- (4) To watch the progress of construction of aerial ropeways.
- (5) To consider the applications for further order submitted under section 9(2) of the Act.
- (6) To make report to the State Government for the opening of an aerial ropeways for traffic under section 10(1) of the Act.
- (7) To inspect aerial ropeways in his jurisdiction periodically as required under section 11 (2) of the Act.
- (8) To check frequently that the promoter is charging rates as fixed

by the Government from time to time.

6. Where the promoter or his authorised agent is required to enter upon land or premises of any other person for the purposes indicated in section 14 and 15 of the Act, he shall have to inform the person concerned before hand through the Inspector of Aerial Ropeways appointed by the Government and where necessary notification under section 4 of the Land Acquisition Act, 1894, may be got issued by the competent authority.

7. (1) For fixation of rates for the carriage of passengers, animals and goods, the promoter shall have to obtain prior approval of the Government through the Inspector of Aerial Ropeways.

Fixation of rates by the promoter.

(2) The rates so fixed by the Government shall have to be displayed by the promoter at conspicuous places near the booking offices for the information of the general public.

8. (1) On the occurrence of an accident indicated in section 20 of the Act, it shall be the duty of the promoter or his servant in charge of the section where the accident has occurred in inform all concerned, i.e., State Government, Inspector, nearest Police Station, Hospital and the Magistrate of the illaqua.

Duties of the promoter's servants & Government officers on occurrence of an accident.

(2) It shall be the duty of the Inspector of Aerial Ropeways and the local Police to immediately reach the place of occurrence and render such assistance to afford relief to the affected persons or to save the damaged property as may be possible.

(3) The Magistrate of the illaqua, on receipt of the information of the accident, should also inspect the site personally and issue such instructions to all concerned as he may deem fit to afford relief to the needy.

9. (1) When an Aerial Ropeway is closed to traffic as specified in section 21 of the Act, the Inspector of Aerial Ropeways should ensure that it is not opened to traffic till the defects which lead to its closure, are removed.

Power to close and reopen aerial ropeway.

(2) It shall be the duty of the Inspector of Aerial Ropeways to inform all concerned of its closure and its re-opening to avoid inconvenience to the public, etc.

10. In case of discontinuance of the working of an aerial ropeway, as per section 22 of the Act, the Inspector of Aerial Ropeways shall inform the Government in this regard indicating the reasons thereof and seek further orders of the Government.

Discontinuance of aerial ropeway.

11. The Inspector of Aerial Ropeways shall be responsible to watch the working of the aerial ropeways in his jurisdiction and report to the Government with his recommendations with regard to the transfer of an aerial ropeway, if the promoter is the State Government, to a local authority or any other person; and with regard to the purchase by the State Government or otherwise if the promoter is not the State Government, as provided in section 24 to 26 of the Act.

12. The promoter shall submit the proposed bye-laws framed by him under section 27 of the Act to the State Government for approval through the Inspector of Aerial Ropeways who will properly scrutinize the same and forward them to the State Government with his comments. After approval by the State Government and their publication in the Official Gazette, the Inspector shall be responsible to see that such bye-laws are properly enforced.

Power of the promoter to make bye-laws.

Acquisition
of land on
behalf of
the pro-
moter.

13. In case any land is required to be acquired by the promoter for purposes of constructing, extending, working or managing an aerial ropeways, he will move the State Government through the Inspector of Aerial Ropeways for such an acquisition under section 30 of the Act, and the Inspector shall be responsible for the preparation of such land acquisition papers in consultation with the Land Acquisition Staff of the Department.

Protection
of roads,
Railways,
tramways,
aerodromes,
air routes
and water-
ways.

14. The Inspector of Aerial Ropeways shall be responsible to see that in the course of construction, repairs, working or management of an aerial ropeways, the promoter does not cause any permanent injury to any public road, railway, tramway, aerodrome or air route, or waterway, or obstruct or interfere with the traffic on any public road, etc., as provided in section 29 of the Act.

ANNEXURE I

To

The Inspector of Aerial Ropeways,

.....
.....
Himachal Pradesh.

Sir,

In pursuance of the provisions of section 3 of the Himachal Pradesh Aerial Ropeways Act, 1969, I/We hereby seek permission of the Himachal Pradesh Government to undertake the necessary preliminary investigations for setting up an aerial ropeway at(locality)..... Tehsil..... District, Himachal Pradesh.

The requisite information as required under section 4 of the said Act is given hereunder:—

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

Yours faithfully,

Dated.....

[Signatures and full address of the applicant(s)]

PUBLIC WORKS DEPARTMENT

Memorandum

In exercise of the powers conferred on him under section 6(1) of the Himachal Pradesh Aerial Ropeways Act, 1969, the Governor, Himachal Pradesh is pleased to authorise the construction of an aerial ropeway within..... (area) or along..... (route) by or on behalf of..... (promoter) subject to the following restrictions and conditions:—

- (1) The aerial ropeway shall conform to the standard dimensions and specifications as per Annexure I.
- (2) The promoter shall not charge rates lower than the minimum or higher than the maximum for various classes of passengers and goods as provided in the Schedule of Rates attached.

- (3) The promoter shall have bye-laws framed as provided under section 27 of the Himachal Pradesh Aerial Ropeways Act, 1969, and submit them for approval of the Government within one month of the receipt of this sanction. He shall have to abide by these bye-laws in all respects.
- (4) The promoter shall have to submit returns under section 28 of the Himachal Pradesh Aerial Ropeways Act, 1969, regularly and punctually in the prescribed forms and in the manner as provided in rule.....of the Himachal Pradesh Aerial Ropeways Rules, 1970.

(5)

(6)

(7)

(8)

(9)

(10)

and so on.

*Secretary
to the Government of Himachal Pradesh.*

Sub-rule	14. THE STANDARD DIMENSION AND SPECIFICATIONS FOR THE AERIAL ROPEWAYS.
Design of rope-ways.	1. A ropeway meant for use of carrying passengers, animals or goods shall be designed so as to meet all requirement of I.R.C. bridge codes for various types of constructions.
Minimum design load.	2. The ropeway should be designed to carry minimum of two passengers at a time and the dimensions of the carrier should be such that two passengers can sit comfortably.
Over loading	3. The promoter shall not allow over loading of the carrier above the designed load which shall be exhibited at the site of ropeway.
Material	4. The material used in the construction shall conform to relevant Indian standards.
Design of wire rope.	5. The size of the wire rope shall be worked out on the basis of detailed structural calculations and will depend upon the maximum number of passengers allowed to be carried at a time, span and sag provided.
Minimum dia of wire rope.	6. In case of only one supporting cable, its diameter should be as actually worked out or 25mm whichever is greater.
Factor of safety	7. While designing sizes of ropes, structural steel and other ropeway fillings, a factor of safety of 4 shall be adopted.
Safety measures for carrier.	8. All carriers shall be provided with appliances which will prevent the container from discharging its contents except at points where it is intended to discharge them.
Head way	9. Where a ropeway is passed over a public road or a railway on which passengers are carried a bridge under the ropeway shall be provided and maintained by the promoter and such bridge shall be so constructed as to prevent persons from being endangered by anything falling from the ropeway. The minimum clearance under the bridge shall 16 feet.
Head way	10. Where a ropeway passes over a railway, canal, khud or river the minimum clearance under the carrier shall be kept as 16 feet.
Guard rails	11. The promoter shall provide guard rails at the entrance and exit of the ropeway for the safety of passengers.

Sub-rule (j)	15. SAFE AND EFFICIENT WORKING OF AERIAL ROPEWAYS
Signalling	1. Reliable devices approved by the Inspector for signalling between the terminal and junction stations shall be provided.
Signalling	2. For the purpose of giving signals on the ropeway the owner or his representative shall appoint in writing persons to give the signals and shall satisfy himself that they are competent to give the signals and are familiar with code of signals in use.
Motive power	3. The promoter will provide suitably designed motive powers, electrically driven, oil/petrol driven and employ/engage trained operators for the purpose during operation hours of the ropeway.
Manual Operation.	4. In case of manual operated carriers, the promoter shall engage one trained operator on each end of the ropeway. The duration and duties of the operator, their pay and allowances and other arrangements for their welfare shall be governed by relevant fair wages and labour Acts.
Lubrication	5. All moving parts should be properly greased and oiled regularly.
Daily inspection	6. A competent person appointed by the promoter or his representative shall daily inspect all posts, ropes, machinery, gear and other appliances and shall record in book to be kept for the purpose true copy of the inspection stating what defects, if any were noticed.
Working of ropeway.	7. The ropeway shall not be worked unless the posts, rope, machinery, gear and other accessory appliances are in proper order.
Access to the carrier.	8. The promoter shall make access to the carrier for the convenience of the passengers.
Refusal of passengers.	9. The promoter shall not be bound to carry the passengers after the schedule hours of operation which shall be exhibited at site.

Sub-rule (d) THE MAXIMUM AND MINIMUM RATES OF VARIOUS CLASSES OF GOODS WHICH A PROMOTER MAY FIX UNDER SECTION 18.

Maximum and minimum rates. As required under section 18 of the Himachal Pradesh Aerial Ropeways Act, 1969 the promoter shall have the power to fix the rates of various classes of goods, passengers or animals. These rates shall be subject to the maximum and minimum limits as specified below:—

Sl. No.	Description	Maximum	Minimum
1.	Persons other than children less than 3 years of age who are exempt.	15 paise each	10 paise each
2.	Sheep, goat and pig	20 paise each	15 paise each
3.	Bicycle or bicycles and any other handy machine weighing less than 25 kg.	50 paise each	35 paise each
4.	Corpses, except corpses of children less than 3 years of age.	50 paise each	35 paise each
5.	Carcass of goats, sheeps or pig	40 paise	30 paise
6.	Goods, such as cement, sand building material and general provision stores such as sugar, oil, wheat and flour etc. except goods or packages carried by passengers		

Sl. No.	Description	Maximum	Minimum
	in hand and weighing less than 5 kg which are exempt.		
7.	Fruit boxes except small package weighing less than 5 kg which is exempt.	3 paise per kg or part thereof subject to a minimum of 30 paise.	2 Paise per kg or part thereof subject to a minimum of 25 paise.
8.	Money and dog	30 paise each	25 paise each
9.	Bear	Rs. 1.50 each	Re. 1 each

Application for fixation or charges for working of ropeway.

On completion of an aerial ropeway the promoter shall apply to the State Government for fixation of charges for working of the ropeway. On receipt of such applications the State Government shall appoint a Committee for purpose who will fix the rates within a maximum and minimum limits as specified above.

(f) The manner of previous publication of bye-laws made under section 27.

The promoter shall cause such bye-law as he wants to be confirmed by the State Government to be published in two reputed dailies circulating in the State (i.e., one English daily and one vernacular) asking the general public to lodge their objection if any with the Collector of the illaqua within 20 days of the publication.

(g) The intervals at which a promoter shall submit returns under section 28 and the forms in which such returns shall be submitted.

The rules under sub-section shall be such as are framed by the State Government or the Collector in consultation with the A.G., Himachal and Chandigarh, Simla or otherwise, from time to time.

(m) The preparation, submission and auditing of the accounts of the promoter.

In the case of a promoter other than the State Government the accounts shall be prepared, submitted and audited in such a manner as may be prescribed by the State Government or the Collector in consultation with the Accountant General, Himachal Pradesh and Chandigarh, Simla or otherwise, from time to time.

If the promoter is the State Government the procedure of Government accounting shall be followed in, *toto*.

Sub-rule (n)

THE METHOD OF ARBITRATION FOR THE SETTLEMENT OF DISPUTES

All questions and disputes relating to the construction, working, rates, bye-laws, claim, right, matter or thing whatsoever in way arising out of or relating to the aerial ropeway, shall be referred to the sole arbitration of the Collector or if he is unable to act as an arbitrator, to the sole arbitration of the person appointed by the Collector. It will be no objection to any such appointment that the arbitrator so appointed is a Government servant, that he had to deal with the matters connected with the aerial ropeway concerned and that in the course of his duty as a Government servant, he

had expressed views of all or any of the matters in dispute or difference, the arbitrator unto whom the matter is originally referred being transferred or vacating his office or being unable to act for any reason, the Collector at the time of transfer of office, vacation of office or unable to act, shall appoint a person to act as an arbitrator. Such person shall be entitled to proceed with the reference from the stage, at which it was left by his predecessor. Any person other than the person appointed by the arbitrator shall act as arbitrator and if for any reason, that is not possible, the matter is not to be referred to the arbitration at all.

Subject as aforesaid, the provisions of the Aerial Ropeway Act, 1969, or any statutory modification or re-enforcement thereof and the rules made thereunder and for the time being in force, shall apply to the arbitration proceedings under these rules.

Sub-rule (o)

THE FEES TO BE CHARGED TO PROMOTERS AND OTHER PERSONS IN RESPECT OF LICENCES, APPLICATIONS, ENQUIRES, INSPECTIONS AND SERVICES RENDERED UNDER THIS ACT.

Application Fees (1) Every intending promoter other than the State Government making an application under section 3 of the Act shall pay a fee of Rs. 500 (Rupees five hundred only) unless such fee is remitted wholly or in part by general or a special order of the State Government.

Inspection Fee

(2) A promoter, other than the State Government shall pay a fee of—
(a) Rs. 50 (Rupees fifty only) for every inspection under clause No. 1 and 2 of section 10 of the Act:

(b) Rupees 25 (Rupees twenty-five only) for every periodical inspection under clause 2 of section 11 of the Act.

Provided that if an inspection referred to above, for which the fee prescribed in this rule has been paid, is made in any year, no fees shall be charged for a second or subsequent inspection made in that year unless such further inspection is made on an application by the promoter or is necessary as a result of the extension or alteration of the ropeway or is in the opinion of the Inspector necessitated by a breach of any of the provisions of the Act or of the rules thereunder or by the neglect or failure of the promoter to carry out within the stipulated time, any written order of the Inspector.

(c) All fees payable under section 23 (o) shall be paid into Government treasury, and credited to the head "XXXVII-P.W." the treasury receipt being submitted to the State Government, unless otherwise directed by general or special order of the Government.

(d) The promoter shall be required to obtain a licence for constructing and working an aerial ropeway for which the necessary fee shall be payable by him.

Sub-rule (g)

THE MANNER IN WHICH, AND THE CONDITIONS UNDER WHICH THE THROUGH BOOKING OF GOODS MAY BE PERMITTED BETWEEN AN AERIAL ROPEWAY AND RAILWAY, TRAMWAY OR ANOTHER AERIAL ROPEWAY.

Rules under this sub-section shall be such as may be prescribed by the Government in consultation with the Ministry of Railways, whenever any such need arises.

Sub-rule (h)

THE MANNER IN WHICH, NOTICES UNDER THIS ACT SHALL BE SERVED

All notices required to be served under this Act, shall be served on the promoter either by the State Government, the Collector or the Inspector.

Sub-rule (k)

THE CONDITIONS UNDER WHICH THE MANNER IN WHICH THE POWERS CONFERRED ON PROMOTERS BY SECTION 14 AND SECTION 15 MAY BE EXERCISED.

The powers conferred on the promoter by section 14 and section 15 shall be exercised by them after prior approval in writing received from the State Government, the Collector or the Inspector.

By order,
H. S. DUBEY,
Secretary.

